

Region 5 PCB Voluntary Phase-Out Program

Discussion Outline

- Goals**
- Description**
- History**
- Next Steps**
- Feedback**

Region 5 PCB Voluntary Phase-Out Program

Goal

- **Goal: Promote the early voluntary phasedown of PCB transformers, voltage regulators and large capacitors in Region 5**
- **Using multiple approaches**

Region 5 PCB Voluntary Phase-Out Program

Goal

Why Develop Program

- reduce risks from PCBs (spills, fires)**
- last source of high concentration PCBs**
- regulatory phaseouts have past**
- program designed as incentive**
- program designed to address regulatory barriers**

Region 5 PCB Voluntary Phase-Out Program

Description - What/Who

What is the program

- **Consists of 3 components (incentives)**
 - **self-disclosure policy**
 - **commercial storage program**
 - **spill remediation program**
- **Must agree to remove PCB equipment to take advantage of policy or programs (some PCB transformers excluded)**
- **Currently working with utilities, but will offer to other industry**

Region 5 PCB Voluntary Phase-Out Program

Description - Self-Disclosure Policy

- **Participant requirements**
 - **Inventory PCB equipment**
 - **Self disclose violations (and remediate)**
 - **Remove PCB equipment**
 - **Test PCB contaminated equipment (voluntary)**
 - **Report progress (yearly summary)**
- **EPA - Apply penalty reduction policy**
 - **Issue NOD (notice of determination), or CACO (complaint and consent agreement and consent order)**

Region 5 PCB Voluntary Phase-Out Program

Description - Self-Disclosure Policy

- **4 different ways to mitigate possible penalties (4 sets of policy options)**
 - **Option I: Audit**
 - **100% reduction**
 - **Option II: No audit, but meet other requirements**
 - **75% reduction**
 - **Option III: No audit, but meet less requirements**
 - **50% reduction**
 - **Option IV: Other actions (test)**
 - **up to 50% reduction**

Region 5 PCB Voluntary Phase-Out Program

Description - Self-Disclosure Policy

Option I: 100% penalty reduction

- 1. Conduct TSCA/EPCRA audit***
- 2. Disclose violations in 30 days***
- 3. Correct violation**
- 4. Be first to report**
- 5. Remedy harm, if any**
- 6. Prevent recurrence**
- 7. Not already cited in past 3 years**
- 8. Not serious, imminent/substantial, or violate previous CAA, or criminal**
- 9. Cooperate**
- 10. Fulfill commitment**

*** less stringent than EPA's general self-disclosure policy**

Region 5 PCB Voluntary Phase-Out Program

Description - Self-Disclosure Policy

Option II: 75% penalty reduction

- No audit, but**
- Still meet 2-10 of Option I**

Region 5 PCB Voluntary Phase-Out Program

Description - Self-Disclosure Policy

Option III: Up to 50% penalty reduction

Summary

- **25% for disclosure + 25% for disclosure in 30 days**
- **No audit**
- **Also don't have to meet 4 or 7 of Option I**

Specifics

- **Don't have to conduct and audit (1)**
- **Disclose violation (2)**
- **Don't have to be first to report (4)**
- **Mitigate violation (w/i 60 days) (3,5,6)**
- **Could be violation cited for in past 3 years (7)**
- **Not serious, imminent/substantial, violate previous CAA, or criminal (8)**
- **Meet commitments (10)**

Region 5 PCB Voluntary Phase-Out Program

Description - Self-Disclosure Policy

Option IV: Up to 50% additional penalty reductions

- 25% for testing assumed contaminated**
- 15% for disposing of customers PCBs**
- 10% for replacing with Energy Star transformers**
- Can also be added on to reductions from Options II and III**

Region 5 PCB Voluntary Phase-Out Program

Description - Commercial Storage Program

- **What is the Commercial Storage Program?**
 - **A program which enables participant to commercially store customers' PCB waste**

Region 5 PCB Voluntary Phase-Out Program

Description - Commercial Storage Program

Requirements:

- Participant commits to remove its PCB equipment**
- Participant submits an application with:**
 - estimate of maximum amount stored**
 - description of storage area**
 - general information on owner/operator and responsible persons**
 - description of closure**
 - general description of how closure would be financed**
- (not require detailed closure plan, cost estimate, or financial assurance)**

Region 5 PCB Voluntary Phase-Out Program

Description - Commercial Storage Program

Conditions

- Limited to storage in Region 5**
- Commercial storage limited to 30 days**
- Must inspect daily**
- Must seek PCB reduction commitments from customer**
- Must supply list of approved storers to customer**
- Must sample commercial storage area at completion of program (and clean if contaminated)**

Region 5 PCB Voluntary Phase-Out Program

Description - PCB Spill Remediation Program

- **What is the PCB Spill Remediation Program?**
 - **A program which enables a participant to:**
 - **cleanup and dispose of PCB remediation waste without site-by-site notifications**
 - **dispose of remediation waste <50 ppm in a non-PCB landfill**

Region 5 PCB Voluntary Phase-Out Program

Description - PCB Spill Remediation Program

Requirements

- Participant commits to remove its PCB equipment**
- Participant submits an application which includes:**
 - nature of contamination**
 - summary of sampling plans**
 - cleanup plan**
 - certification that sampling information is on file**

Region 5 PCB Voluntary Phase-Out Program

Description - PCB Spill Remediation Program

Conditions

- Limited to remediation in Region 5**
- Must phasedown equipment involved with spill**
- Cleanup to levels in 761.61(a) (self-implementing)**
- Not required to notify state or local agency**

Region 5 PCB Voluntary Phase-Out Program

Description - Benefits for Participants

- **Overall (no more PCBs to worry about)**
 - Potential for PCB fires and spills reduced
 - Cleaner environment and reduced risks of exposure
 - Reduced regulatory or compliance costs
 - Cost savings from increased energy efficiency
 - Avoid losses from potential shutdowns
 - Avoid potentially higher future disposal costs
- **Using program (benefits in addition to above)**
 - Reduced penalties for future violations
 - Extended time from to self-disclose violations
 - Upfront knowledge of possible penalty liability
 - Favorable publicity

Region 5 PCB Voluntary Phase-Out Program

Description - History / Next Steps

- **History**
 - **Considered spill and use/disposal cost data**
 - **Met with Region 5 utilities and EPA OECA**
 - **Utility report**
 - **Considered utility comments**
 - **Commitments**
- **Next Steps**
 - **Expand within Region 5**
 - **Expand to other Regions**

Region 5 PCB Voluntary Phase-Out Program

Description - History / Next Steps

- **Contact**
 - **Tony Martig, EPA, Region 5**
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